

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35777 of 2023

Arising Out of PS. Case No.-49 Year-2023 Thana- KOILWAR District- Bhojpur

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RITIK KUMAR Son of Bijendra Prasad Resident of village - Baghipakar, P.S.
- Mufassil (Dhobaha O.P.), Distt. - Bhojpur

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Shiv Prasad Gupta, Advocate

For the Opposite Party/s : Mr.Jitendra Kumar Singh, APP

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

3 30-08-2023 Heard learned counsel for the petitioner and

learned APP for the State.

The petitioner is in judicial custody in connection with Koilwar (Gidha) P.S. Case No. 49 of 2023 registered under Sections 302/34 of the Indian Penal Code lodged on 05.02.2023 by the informant, Suman Devi.

As per the prosecution story, the informant has alleged that her husband went out but failed to return and was not picking up the phone. Subsequently, the information came that near Gidha Rubber Factory a dead body was laying. Upon reaching there, she found to be her husband. Accordingly, the FIR.

In this case, a case diary was called for on



05.07.2023 which has since been received.

Learned counsel for the petitioner submits that the accused Pintu Saw may have a reason for the killing but so far as this petitioner is concerned, he is neither related to Pintu Saw nor his friend and his last submission is that Pintu Saw who had given reason in his confessional statement before the police has since been released on bail vide order dated 23.08.2023 passed in Cr. Misc. No. 33437 of 2023 by a Co-ordinate Bench of this Court.

Learned APP has taken this Court to the confessional statement of Pintu Saw in which he has alleged that the deceased was a renter of Mantu Saw and while his wife was bathing, he prepared a video and was black-mailing her for that. Fed up with the said black-mailing she tried to commit suicide. Accordingly, he decided to eliminate the deceased along with his associate.

Taking into account the submissions of learned counsel for the petitioner, the confessional statement of Pintu Saw before the police, the petitioner is neither the relative nor friend of Pintu Saw, he is in custody since 09.02.2023 (as stated in paragraph15 of the petition) and



similar situate co-accused has since been extended the privilege of bail, as stated above, this Court is inclined to extend him the privilege of bail.

Let the petitioner be released on bail on furnishing bail of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Bhojpur at Ara in connection with Koilwar P.S. Case No. 49 of 2023, subject to the following conditions:

(i) one of the bailor should be the family member of the petitioner who shall provide official document to show his/her *bona fide*;

(ii) the petitioner shall appear on each and every date before the Trial court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his/her bail bond by the Trial court itself;

(iii) the petitioner shall appear before the concerned police station every fortnight for next six months to mark attendance;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the



evidences, failing which the State shall be at liberty to take steps for cancellation of his bail bonds;

(v) the petitioner shall desist from committing any criminal offence again failing which the State shall be at liberty to take steps for cancellation of the bail bonds.

(Rajiv Roy, J)

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